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66170 7590 07/09/2010 Snell & Wilmer L.L.P. (AMEX) ONE ARIZONA CENTER 400 E. VAN BUREN STREET PHOENIX, AZ 85004-2202				
EXAMINER STERRETT, JONATHAN G				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/071,615

Applicant(s)

STOXEN ET AL.

Examiner

JONATHAN G. STERRETT

Art Unit

3623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 6-18, 39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 6-18, 39 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This **Final Office Action** is responsive to the amendment of 7 April 2010.

Claims 2-18, 39 and 40 are pending in the application.

Response to Argument

2. The applicant's arguments have been fully considered but are not persuasive

The applicant argues that since Carleton addresses general network availability/reliability that Carleton (and also the other references) fail to teach the sophistication associated with determining from a holistic view of the condition of all the monitored assets, a product or service offering that may be unavailable.

The examiner respectfully disagrees.

The claims do not recite the argued sophistication. The claims recite simply monitoring a status of various elements in the network where those elements are used to provide service. Furthermore, whether a monitored object is being used in a complex workflow or a simple one does not convey patentability when the claim limitation cites that the object is simply being monitored. Such application of a monitored object is intended use and does not convey patentability.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2-4, 6-18, 39 and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough US 6,070,142 (hereinafter **McDonough**) in view of Cunningham US 6,014,645 (hereinafter **Cunningham**) and further in view of "The World Wide Web as enabling technology for CSCW: The case of BSCW", R Bentley, T Horstmann, J Trevor - Computer Supported Cooperative ..., 1997 – Springer (hereinafter **Bentley**) and further in view of Carleton, US 2001/0044840 (hereinafter **Carleton**)

Regarding **Claim 39**, McDonough teaches:

a computerized client interface system configured to accept a plurality of event requests from a plurality of clients; and

Figure 3 #320, VRU's are a client interface configure to accept request data from cuustomers calling in (i.e. client's) – (McDonough also teaches a web, i.e. internet and thus client / server interface – see Figure 4).

a plurality of handler systems configured to perform business logic related to the plurality of event requests, and

column 3 line 5-10, a call center provides a processing system to communicate with calls that are coming in (i.e. contacts, since McDonough teaches that contacts can come in from a variety of different sources – see Figure 1 "Access Method) – these contacts are handled by a client interface system that is configured to facilitate product and service fulfillment, since McDonough teaches in column 4 line 20-24 that a variety of service options (including where the customer is offered a product to buy – see column 4 line 50). Since the calls and requests are routed according to the type of call, this is done according to business logic so that the call is routed appropriately

column 12 line 17-21, selecting a specific employee to handle a call and transferring that call to that employee's desktop is selecting a handler system to process the event request from the client (i.e. the customer).

the test handler configured to:

determine, based upon a first handler, a subset of the plurality of handler systems and a subset of the plurality of worker utilities associated with a first event request;

Figure 4; column 4 line 17-24, the context manager (i.e. test handler) determines which systems are handed the customer contact (i.e. the first event request). See also column 12 line 10-15.

McDonough does not teach, but Cunningham teaches:

wherein one of the plurality of clients is enabled to use a new worker utility

column 3 line 30-35, the employment of card service servers are worker utilities added based on the selection of various possible credit card offers (see line 38-40). Since the credit card servers are communicating with the web server, the card servers are communicated according to a set of standards for web communication

Column 3 line 45-53, the number of servers (used by the clients, i.e. the credit bureaus and card service companies, can be added by the clients based on the number of transactions.

Column 3 line 45-53, the addition of the additional servers fulfills event requests (i.e. performs the necessary transactions) on behalf of the clients.

Cunningham teaches a web-based system for providing customers with the flexi Cunningham Figure 2 t request fulfillment (i.e. credit card offer) is best suited for their needs. Cunningham teaches using the web using a client interface provides a way to access the necessary financial institution and credit rating information to automatically and easily provide a credit card for customers.

McDonough teaches that customers can interact with a computerized system to access their account information (i.e. including transaction information). Although McDonough teaches a call center environment, McDonough does teach using computer and web automation so that customers can obtain the information they need and make the best choices regarding the selection of various services (see column 2 line 35-39).

McDonough teaches that providing an expanded, comprehensive source of information to customers improves the efficiency of providing customer service and improves customer satisfaction because customers can easily and quickly find the information they need (see column 3 5-10, 35-45). McDonough teaches the connection of various computer sources to serve the customer (see column 3 line 16-20, some customers are coming into the call center from non-traditional venues, including the internet).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDonough to include the teachings of Cunningham, regarding the use of a client system to service customers, because it would improve customer service by automating the accessing of worker utilities to process event requests so that customers can quickly and easily make the best choice for their needs.

McDonough and Cunningham together teach the use of web-based communication to fulfill customer requests based on the invocation of software - McDonough teaches that various resources (i.e. computer objects) are invoked to satisfy customer requests and Cunningham shows how web-based technology can be used to satisfy customer requirements for online credit processing, however McDonough teaches that the context manager can invoke any resource necessary to fill web requests (column 9 line 62-column 10 line 10) in the context of the business solution to fulfill those requests as per: **and at least one of the plurality of handler**

systems are enabled to invoke any of the worker utilities

McDonough further teaches:

Wherein the new worker utility is configured by at least one of a corresponding client and one of the handler systems to be re-used by any one of plurality of clients.

Column 9 line 30-32, McDonough teaches that the context manager “coordinates access to the appropriate business processes and provides them the context to complete each business unit of work”. Since McDonough’s context manager provides the underlying objects it invokes to satisfy customer requests the “context” with which to fulfill those requests, McDonough’s context manager configures those utilities to be re-used, since it is providing them the context by which they are used to fulfill each customer request.

While McDonough and Cunningham teach:

Consumers interact with a web site to fulfill their needs.

The web site invokes utilities to satisfy those customer needs.

Businesses who are interacting with those consumers through the web site engage other businesses to fulfill those customer needs (e.g. a company engaging a credit agency to determine what credit card is right for a customer). This engaging of other business happens over the web – as in the example of obtaining a customer’s credit report through a third agency to determine what credit card they qualify for.

McDonough and Cunningham do not teach where:

Wherein at least one of the plurality of clients adds a new worker utility;

However, this limitation is taught by Bentley.

Bentley teaches using the internet as an architecture for CSCW (computer supported collaborative work). Bentley teaches that the internet provides a way to support work that is being done cross organizationally (see page 112 para 1 and 2). In para 3.1.3 Bentley teaches that a call to a server can be treated as a call to a third party application or script (i.e. through a CGI or "Common Gateway Interface"). This means that work sharing provides more than just sharing documents. Applications written by third parties can be invoked by calls from the server (see page 120 #3, Customer clients [i.e. browsers] can be used with customer servers to provide additional services).

The Basic Support for Collaborative Work (see page 121 section 4) is a system that provides those in different organizations a way to share and collaborate across the internet. As discussed above, Bentley teaches the advantages of using the internet as a way for users across organizations (such as in Cunningham above) to work together on projects.

On page 128 para 3, Bentley teaches collaborative website management – i.e. different users (across organizations, as mentioned earlier) collaborate to add features to the website (the use of the CGI, as discussed in Bentley, means that different applications written by different users can be invoked by a common interface, thus

utilities written for a webpage by different users in different organizations would be invoked by the one webpage. Thus Bentley teaches at least one of the clients (i.e. the users in different organizations, i.e. working for different clients) adds a new worker utility (i.e. that is callable through a CGI).

One of ordinary skill in the art at the time of the invention would recognize the benefits provided by the teaching of Bentley to modify McDonough and Cunningham to include where the client adds a worker utility, as taught by Bentley, because Bentley teaches the advantages of using an architecture where different organizations can share different utilities they have developed in a groupware collaborative context.

McDonough, Cunningham and Bentley do not teach, but Carleton teaches:

determine, at a predetermined testing time, a status of the subset of the handler systems and a status of the worker utilities to create a plurality of statuses,

para 50, the monitoring systems monitor status of systems on the network, including

para 54, the status of the system is monitored according to time intervals specified by business rules.

determine, based upon a first business logic associated with a first handler and the plurality of statuses, a status report for at least one of a client system, a product and a service associated with the first event request;

para 54, the notification options provide a report for the devices operating on the network (i.e. the client system)

determine, based at least in part on the status report, a time slot during which the plurality of clients are permitted to submit the first event request, and communicate, to the plurality of clients, the status report and the time slot.

para 75, the history shows, based on the status, a plurality of time slots when the various devices were operable – see also para 54, the notification options.

Carleton, McDonough, Bentley and Cunningham all address computer systems that provide services to users, thus they are all analogous art.

Carleton teaches that understanding when errors occur in a system provides for a benefit (para 80). Carleton teaches that this monitoring provides for the administrator to be able to optimally configure the network for utilization (para 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Cunningham, Bentley and McDonough to include the network monitoring teachings of Carleton, because it would have provided a predictable result through monitoring the handler systems and worker utility so that the network providing services to customers can be optimally configured.

Regarding **Claim 2**, McDonough teaches providing servers to provide access to

customers over the web (see column 6 line 59-61). The use of servers to provide service to the customer also include for fax, email and video. McDonough does not teach the use of a server to run the application software for account processing.

The use of servers to run applications is old and well known in the art. Servers are known to provide a standardized and reliable platform for which to run applications.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDonough, regarding using a computer system to provide customer service, to include the step of running the system using a server, because it provide a reliable way to provide customer service over the internet.

Regarding **Claims 3 and 4**, McDonough teaches employees using computers and using servers as the hardware platform for providing service to customers.

McDonough does not teach where:

said application server is a J2EE-compliant Java Application Server, as per Claim 3; and wherein said handler is a software module deployed as a Java Object, as per Claim 4.

However, using Java as a programming language (i.e. to create Java Objects), as per Claim 4; and using a J2EE-compliant Java Application Server, as per Claim 3, are known standards in the art of computing that provide the benefit of reliability in

utilizing the Java (and associated J2EE hardware standard).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDonough, regarding using servers to provide customer service, to include the steps using Java as a programming language (i.e. to create Java Objects), as per Claim 4; and using a J2EE-compliant Java Application Server, as per Claim 3, because it would provide a reliable hardware and software application for providing customer service.

Regarding **Claim 6**, McDonough teaches:

An interface, wherein at least one of the plurality of worker utilities is configured to perform a specific task by communicating with said interface.

Column 8 line 25-30, calls routed to a worker use a workstation interface to handle the calls (i.e. perform a specific task by handling the call, since the call is routed to the worker based on the kind of call it is).

Regarding **Claim 7**, McDonough teaches providing a loan to a customer (column 12 line 45-50 but does not teach the worker interfacing with any one of the following to do so:

credit bureaus, databases, new card services, card authorization services, general accounts system, and new card services.

However, it is old and well known in the art to interface with a credit bureau for processing a loan for a customer to determine if the customer is creditworthy.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDonough, regarding a worker providing customer service to upsell a new loan to a customer, to have the worker interface with a credit bureau as part of the upsell task, because it would ensure the customer is creditworthy for the new loan.

Regarding **Claim 8**, McDonough teaches:

wherein said at least one of the plurality of handler systems is configured to facilitate a new account application process.

Column 12 line 45-50, routing calls to CSR's based on upsell opportunities for a new loan, facilitate a new account application process for that loan.

Regarding **Claim 9**, McDonough teaches:

wherein at least one of the plurality of handler systems is configured to execute fulfillment logic to deliver at least one of a product and a service.

Column 7 line 35-40, the routing rules (i.e. fulfillment logic) route a call based on the customers implied or expressed need (i.e. need for products or services).

Regarding **Claim 10**, McDonough teaches:

wherein at least one of the plurality of handler systems is configured to facilitate an authentication of a user.

Column 10 line 64-68, customers calling in identify themselves to the VRU. – see also column 7 line 35-40, the DNIS and ANI information along with customer profile information is used to authenticate the customer. –see also column 8 line 30, the customer's identify has been established due to an authentication.

Regarding **Claim 11**, McDonough teaches determining a customer's identity, as discussed above. McDonough also teaches that customers can request services and products over the internet. McDonough does not teach:

wherein at least one of the plurality of handler systems is configured to facilitate a sign-on process for online users.

It is old and well known in the art to require user's to sign-on (i.e. a sign on process) using a user ID and password to authenticate their identity. Using a password and ID in combination is known to provide a secure way to authenticate a customer (i.e. facilitate a sign-on process).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDonough, regarding facilitating a sign-on process using a password/ID combination, because it would authenticate the customer attempting to logon to their account over the internet.

Regarding **Claim 12**, McDonough teaches:

at least one of the plurality of handler systems is configured with communication protocols for communicating with the at least one worker utility.

Column 9 line 55-60, CORBA is used for messaging in handling calls (i.e. a communication protocol for communicating with the system to handoff calls and requests to the appropriate functionality).

Regarding **Claim 13**, McDonough teaches:

wherein at least one of the plurality of worker utilities perform a discrete unit of work to perform a specific task.

Column 11 line 65-column 12 line 4, requests are routed to workers based on the resource requirements for that particular request (i.e. the discrete unit of work to perform the specific task associated with a customer. The system uses a discrete unit of work to handle a task associated with a request because the system is balancing requests with resources – see column 12 line 65- column 13 line 3). As noted above, a worker utility updating a customer's address is a discrete unit of work, i.e. updating text fields noting a customer's new address.

Regarding **Claim 14**, McDonough teaches:

wherein at least one of said plurality of event requests includes an event

selected from a group of events including: online banking account set-up, credit bureau access, epay account set-up, brokerage account set-up, membership banking set-up, user authentication, **electronic payment**, savings account set-up, checking account setup, and rewards program setup.

Column 12 line 45-50, the customer is contacting to pay off a loan (i.e. an electronic payment). The customer who has a checking account may be sold other services.

Column 9 line 48-50, customers request a loan payment (i.e. an electronic payment).

Regarding **Claim 15**, McDonough teaches:

Wherein the plurality of worker utilities comprises one or more of the following worker utilities:

an email worker;

Figure 3 #358 "email server" is an email worker.

a Credit Bureau Interface worker;

an application specific worker;

a profile worker; and

column 6 line 1-10, updating a customer's address invoking a utility is a profile worker, i.e. the customer's profile.

a data capture worker.

Regarding **Claim 16**, McDonough teaches routing service requests to handle customers who may be interested in a new loan, as discussed above. McDonough does not teach where the worker handling the customer request is a CBI (i.e. Credit Bureau Interface):

However, it is old and well known in the art to interface with a CBI to determine if a customer is creditworthy when the customer is applying to borrow money (i.e. a loan).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDonough about providing an upsell opportunity to a customer for a new loan, to include the step of the worker interfacing with a CBI, because it would provide for a determination of the customer's creditworthiness for the new loan.

Regarding **Claim 17**, McDonough teaches upselling customers on new products they may be interested in, including new loans. McDonough teaches using software objects (i.e. worker utilities) as discussed above, but McDonough does not teach:

the CBI worker is configured with suitable protocols for communicating with a CBI server; wherein said CBI server interfaces with at least one credit bureau.

Cunningham teaches:

the CBI worker is configured with suitable protocols for communicating with a CBI server;

column 3 line 28-33, the user applies for credit at a website, where the server

hosting the website communicates with a card service server (i.e. a CBI server)

wherein said CBI server interfaces with at least one credit bureau.

Column 3 line 28-33, the card service server interfaces with the servers of other credit bureaus (i.e. at the Credit Bureau Interface) to determine the user's creditworthiness.

McDonough teaches that users may request service from an internet portal.

Cunningham's invention provides for matching credit cards with users who apply over the internet by providing for a credit bureau interface. Cunningham's invention, since it operates over the internet, provides for significant savings over other methods of a user securing a credit card, since it is able to access a number of financial institutions for a given user (column 1 line 25-30). Cunningham's invention also increases customer satisfaction by providing them with a number of credit card offers to choose from (column 2 line 3-5, the examiner interprets customers being able to learn of and reviewing their options as increasing their customer satisfaction, since it is improving their selection process).

McDonough and Cunningham both address utilizing computer networks to provide customer service through a computerized system running on those networks, thus both McDonough and Cunningham are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDonough, regarding offering an upsell loan to a customer, to include the automated credit bureau interface of Cunningham, because it would automate the locating of various credit card offers for a customer and thus improve their customer satisfaction at being able to better select a credit card.

Regarding **Claim 18**, McDonough teaches:

further comprising a web server user interface configured to interact with said client interface system.

Figure 3 #354, customers may place a service request through a web server.

Regarding **Claim 40**, McDonough, Cunningham and Bentley do not teach, but Carleton teaches:

a test handler configured to:
store the status and a corresponding time the status was determined for the plurality of handler systems and the at least one worker utility,

para 84, the history of faults and when they occurred is stored in the system.

adjust the predetermined testing time based on the stored status and the first business logic,

para 54, if the device has not timed out, then monitoring is continued based on the stored status (i.e. the device is still operable) based on the intervals specified by the business rules (i.e. logic).

Carleton, McDonough, Bentley and Cunningham all address computer systems that provide services to users, thus they are all analogous art.

Carleton teaches that understanding when errors occur in a system provides for a benefit (para 80). Carleton teaches that this monitoring provides for the administrator to be able to optimally configure the network for utilization (para 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Cunningham, Bentley and McDonough to include the network monitoring teachings of Carleton, because it would have provided a predictable result through monitoring the handler systems and worker utility so that the network providing services to customers can be optimally configured.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS 7-5-2010

/Jonathan G. Sterrett/

Primary Examiner, Art Unit 3623

